

**IN THE UNITED STATES DISTRICT COURT
FOR THE STATE OF NEW MEXICO**

03 OCT 16 AM 9:14

**STATE OF NEW MEXICO, *ex rel.*
State Engineer**

Plaintiff,

v.

Ramon Aragon, *et al.*,

Defendants.

69cv07941 JEC-ACE

**RIO CHAMA STREAM SYSTEM
Section 3: Rio Nutrias, Rio Cebolla
& Canjilon Creek**

Subfile No. CHCJ-002-0017

MOTION TO JOIN ADDITIONAL PARTIES DEFENDANT

COMES NOW the plaintiff, State of New Mexico, *ex rel.* State Engineer ("State"), by and through his attorneys, and respectfully requests the Court to join as additional parties defendant the persons named below and order them to answer the State's Complaint in this action as required in any civil action in the United States District Court or suffer default judgment against them. In support of this motion, the State asserts:

1. The persons listed in Exhibit A attached hereto are diverting and using or may claim the right to divert and use surface or underground waters within the Rio Chama Basin. These waters belong to the public and are subject to appropriation in accordance with the laws of the state. This Court has exclusive jurisdiction to adjudicate all claims to the right to divert, store, or use public waters in the Rio Chama Basin.

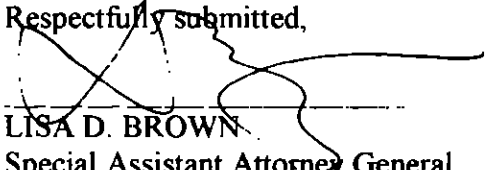
2. The persons listed in Exhibit A are in Section 3 of the Rio Chama Basin, and may be diverting and using water associated with the subfile numbers listed, or may otherwise be using water

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associated with the subfile numbers listed, or may otherwise be using and diverting surface or underground waters within Section 3 of the Rio Chama Basin.

DATED October 15, 2003

Respectfully submitted,



LISA D. BROWN

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Motion to Join Additional Parties Defendant was mailed to the following persons on October 16, 2003.



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Santa Cruz, NM 87567

EXHIBIT A

<u>DEFENDANT</u>	<u>SUBFILE NO.</u>	<u>ADDRESS</u>
Kenneth Bowman	CHCJ-002-0017	445 Troy Dr., Corpus Christi, TX 78412
Sheila Jolly	CHCJ-002-0017	2238 Kelly Ave., Ramona, CA 92065
John Jolly	CHCJ-002-0017	2238 Kelly Ave., Ramona, CA 92065
Betty Jolly	CHCJ-002-0017	142 Meander, Abilene, TX 79602
James P. Jolly	CHCJ-002-0017	142 Meander, Abilene, TX 79602